IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3246 of 1985

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI

and

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DAHYABHAI L PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3246 of 1985

MR KG VAKHARIA for Petitioner No. 1-2

Mr.N.D. Gohil, ASSTT GOVERNMENT PLEADER for Respondent No. 1-2,6

NOTICE SERVED for Respondent No. 3-5

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI

and

MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 30/08/2001

ORAL JUDGEMENT (Per : MR.JUSTICE RAVI R.TRIPATHI)

This petition is filed with a prayer that sec.297 of the Gujarat Panchayats Act, 1961 (Gujarat Act 6 of 1962) be declared ultra vires and also challenges the show cause notice dated 14.5.1985, a copy of which is produced at Annexure 'B'. By the aforesaid notice, Sabarkantha District Panchayat was called upon to show cause as to why the District Panchayat should not be superseded as the District Panchayat failed in getting the revised budget sanction for the year 1984-- 85, to get the annual budget sanction for the year 1985-86 and to comply with the provisions of Rule 161(A) of the Gujarat Taluka and District Panchayats Financial, Accounts and Budget Rules, 1963.

2. Learned counsel Mr.Vakharia for the petitioners submits that with the passage of time, the challenge to the show cause notice dated 14.5.1985 has become infructuous and therefore, he does not press the challenge to the 'show cause notice'. Mr.Vakharia also stated that now new District Panchayat is functioning under the new Act.

3. In view of the aforesaid discussion, the petition is disposed of. Rule is discharged. Interim relief stands vacated.

(D.M. Dharmadhikari, J.)

(Ravi R. Tripathi, J.)

karim